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	United States Attorney		
2	CHRISTOPHER BURTON		
3	Assistant United States Attorney Nevada Bar No. 12940		
	District of Nevada		
4	501 Las Vegas Blvd. South, Suite 1100		
	Las Vegas, Nevada 89101		
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0	Representing the United States of Americ	a	
$_7$	The presenting the Chinese States of Timeric	ω	
8	UNITED STATES DISTRICT COURT		
9	DISTRICT OF NEVADA		
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10	United States of America,		
		Case No. 2:16-cr-00328-JCM-GWF	
11	Plaintiff,		
12		STIPULATION TO CONTINUE SENTENCING (FIFTH REQUEST)	
14	V.	SENTENCING (FIFTH REQUEST)	
13	BENYIAHIA HEBBAR,		
	,		
14	Defendant.		
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16	IT IS HEREBY STIPULATED AND A	AGREED, by and between Dayle Elieson, United	
		Total 22, by and between 2 after 2 meson, contea	
17	States Attorney, and Christopher Burton, couns	sel for the United States of America, and Dustin	
18	Marcello counsel for RENVIAHIA HERRAR	that the sentencing currently scheduled for June 18,	
	Waterio, counsel for BENT ITATITY TIEBBYIK,	that the sementing currently selledured for June 16,	
19	2018, at 10:30 am before Judge Mahan be vacated and set to a date and time convenient to the Cour		
2.0	but not configuration July 20, 2019		
20	but not earlier than July 20, 2018.		
21	This Stipulation is entered into for the following reasons:		
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22	1. The Defendant is in custody and d	loes not oppose the continuance.	
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- 2. Counsel is aware that Magistrate Judge Foley issued a Report and Recommendation granting Defendant Hebbar's Motion to Withdraw Guilty Plea. ECF No. 93. The Government filed Objections and the Defendant filed a Respones to the Objections. ECF Nos. 101, 105. The Report and Recommendation is currently pending decision by this Court and would determine the necessity of the currently scheduled sentencing hearing.
- 3. The additional time requested herein is not sought for purposes of delay, or to prejudice any party but merely to counsel time to litigate issues related to the withdrawal of Defendant's guilty plea and this Court's resolution of the issue.
 - 4. This is the fifth stipulation to continue sentencing filed herein.

DATED THIS 15th day of June, 2018	DATED THIS 15th day of June, 2018
By: /s/	By: /s/
CHRISTOPHER BURTON,	DUSTIN R. MARCELLO, Esq.
AssistantUnited States Attorney	PITARO & FUMO, CHTD.
	Counsel to Benyiahia Hebbar

UNITED STATES DISTRICT COURT 1 **DISTRICT OF NEVADA** 23 UNITED STATES OF AMERICA 2:16-cr-00328-JCM-GWF CASE NO.: Plaintiff, 4 STIPULATION TO CONTINUE vs. 5 SENTENCING (FIFTH REQUEST) BENYIAHIA HEBBAR, 6 Defendant. 7 **FINDINGS OF FACT** 8 Based on the pending Stipulation of counsel, and good cause appearing therefore, the 9 Court finds that: 10 1. The Defendant is in custody and does not oppose the continuance. 11 2. Magistrate Judge Foley issued a Report and Recommendation granting Defendant 12 Hebbar's Motion to Withdraw Guilty Plea. ECF No. 93. The Government filed Objections and the 13 Defendant filed a Respones to the Objections. ECF Nos. 101, 105. The Report and Recommendation 14 is currently pending decision by this Court and would determine the necessity of the currently 15 scheduled sentencing hearing. 16 3. The additional time requested herein is not sought for purposes of delay, or to 17 prejudice any party but merely to counsel time to litigate issues related to the withdrawal of 18 Defendant's guilty plea and this Court's resolution of the issue. 19 4. This is the fifth stipulation to continue sentencing filed herein. 20 **CONCLUSIONS OF LAW** 21 1. Denial of this request for a continuance would result in a miscarriage of justice. 22 2. For all the above-stated reasons, the ends of justice would best be served by a

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1	continuance of the sentencing date to on or after July 20, 2018, based upon the convenience of
2	the Court.
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5	<u>ORDER</u>
6	IT IS THEREFORE ORDERED that the SENTENCING hearing for Defendant Hebbar
7	is set on the 1st day of August, 2018 at 10:30 a.m.
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9	DATED June 18, 2018.
10	Xellus C. Mahan
11	UNITED STATES DISTRICT JUDGE
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